

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

ANN M. GALLOWAY,

Plaintiff,

vs.

Civ. No. 14-00022 KG/KBM

MORTGAGE STRATEGIES GROUP, LLC;  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION AS TRUSTEE FOR  
SECURITIZED TRUST FANNIE MAE  
REMIC TRUST 2007-82; FANNIE MAE;  
TIMOTHY MAYOPOULOS, individually;  
JP MORGAN CHASE BANK, NA; JAMIE  
DIMON, individually; BRIAN MCWHORTER,  
individually; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEM, aka “MERS”;  
BILL BECKMANN, individually; and DOES  
1 THROUGH 100, INCLUSIVE,

Defendants.

ORDER

This matter comes before the Court upon Plaintiff’s Amended Notice of Petition for Writ of Mandamus to Recuse Honorable Judge Karen Molzen (Amended Notice of Petition for Writ of Mandamus), filed on December 5, 2014.<sup>1</sup> (Doc. 59). On December 29, 2014, Defendants JP Morgan Chase Bank, N.A., Federal National Mortgage Association, Fannie Mae, Jamie Dimon, Timothy Mayopoulos, Brian McWhorter, and Mortgage Electronic Registration System aka “MERS” filed a response. (Doc. 61). Having considered the Amended Notice of Petition for

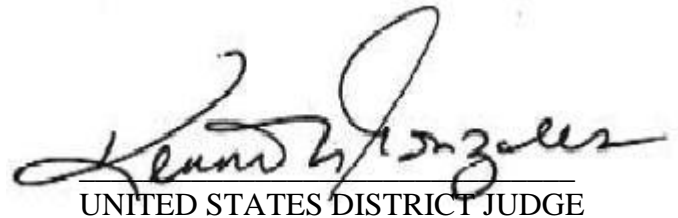
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<sup>1</sup> Although Plaintiff headed the Amended Notice of Petition for Writ of Mandamus “In the United States Court of Appeals for the Tenth Circuit,” there is no indication that she actually filed the Amended Notice of Petition of Writ of Mandamus with the Tenth Circuit Court of Appeals.

Writ of Mandamus and the response, the Court denies the Amended Notice of Petition for Writ of Mandamus.

The Amended Notice of Petition for Writ of Mandamus will be denied for two reasons. First, Plaintiff did not follow the proper procedure in seeking to recuse a judge. Plaintiff must first file a motion with Judge Molzen which asks her to recuse herself from the case. *See Clay v. Brown, Hopkins & Stambaugh*, 892 F.Supp. 11, 13 (D.D.C. 1995). Plaintiff has not done so. Second, a writ of mandamus is only appropriate to challenge a district court's denial of a motion to recuse. *See Nichols v. Alley*, 71 F.3d 347, 350 (10th Cir. 1995). Here, there is no denial of a motion to recuse.

IT IS, THEREFORE, ORDERED that Plaintiff's Amended Notice of Petition for Writ of Mandamus to Recuse Honorable Judge Karen Molzen (Doc. 59) is denied.



UNITED STATES DISTRICT JUDGE